

**REMARKS**

**I. Status of the Application**

Claims 1-12, 17-19, and 73-75 are pending in the application. Claims 13-16 and 20-72 have been cancelled. Claims 1-12, 17-19, and 73-75 stand rejected.

Claims 1, 5, 7, 9 and 17 are hereby canceled without prejudice or disclaimer.

**II. Claim Rejections under 35 USC § 103(a) over U.S. Patent No. 6,260,021 to Wong et al. (“Wong”) in view of U.S. Patent Appln. Publ. No. 2002/0029157 to Marchosky 6 (“Marchosky”)**

Claims 1-12, 17-19, and 73-75 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Wong in view of Marchosky. Applicants traverse this rejection as follows.

First, this rejection is moot with regard to claims 1, 5, 7, 9 and 17 which are hereby canceled by this Amendment.

**B. Claims 2-4, 6, 8, 10-12 and 18-19**

With regard to claims 2, 8, 10 and 18, in the Amendment filed December 27, 2007, Applicants submitted that Wong fails to teach that “the server receives a predetermined number of said (the individual) diagnoses, sends information to the effect that the server has received a predetermined number of said diagnoses to the management client and the management client is provided with an information receiving and output means which receives the information and outputs the same,” as recited in claim 2. Although the server of Wong may send various information to a client in response to a request from the client, Wong fails to teach or suggest that the server sends information that the server has received a predetermined number of individual diagnoses.

In the present Office Action, the Examiner responds by merely asserting that Wong discloses a well-known client/server architecture and object-oriented formats that would send

information including diagnostic images and associated results. However, sending diagnostic images and associated results in a client/server architecture does not necessarily include sending information that the server has received a predetermined number of diagnoses. Rather, Wong merely teaches that a client may request information from the server, and that the server sends medical data in response to the client's request. Wong fails to teach that the client requests information regarding when the server has received a predetermined number of diagnoses, nor that the server sends such information to the client. The Examiner has not provided any rationale as to why the information sent from the server to the client necessarily or inherently includes information that the server has received a predetermined number of diagnoses. Accordingly, Applicant submits that neither Wong or Marchosky discloses that the server sends information that "the server has received a predetermined number of said diagnoses."

Thus, Applicants submit claims 2, 8, 10 and 18 are allowable for at least this reason.

With regard to claims 3 and 11, Applicants previously submitted that Marchosky fails to teach or suggest a system that automatically determines the result of the examination based on the individual diagnoses for the same image. Rather, Marchosky discloses a diagnostic program that automatically generates a list of potential diagnoses based on a patient's weighted responses to diagnostic questions. In the present Office Action, the Examiner maintains the rejection without substantively addressing Applicants' arguments. The Examiner simply states that under the broadest interpretation of the claim language, the feature is taught by Marchosky. However, Marchosky clearly provides potential diagnoses based upon the patient's responses to diagnostic questions, but does not provide an examination on the basis of all or part of the individual diagnoses, as claimed in claim 3. The Examiner has not provided any explanation regarding how Marchosky teaches the claimed feature, even under the broadest interpretation of the claim

language. Accordingly, we would submit that claims 3 and 11 are patentable over the cited references for at least this additional reason.

With regard to claims 4, 6, 12 and 19, Applicants submitted that the weighting taught by Marchosky does not correspond to the claimed weighting attributable to the diagnosis made by individual doctors. Specifically, the weighting taught by Marchosky relates to the weight given to specific responses submitted by a patient in response to diagnostic questions. This weighting clearly does not correspond to the claimed weight information based upon the doctor in charge. The portions of Marchosky cited by the Examiner merely disclose a weight that is assigned based upon the expected frequency of a patient's response in relation to different potential diseases. For example, Marchosky teaches that a higher weight value may be assigned to a disease if the patient indicates that he or she is experiencing a symptom that is usually associated with that disease. **That is, the weighting taught by Marchosky has absolutely no relation to the doctor in charge, as claimed in claim 4. In the present Office Action, the Examiner completely fails to rebut the arguments submitted with regard to claim 4 in the Amendment of December 27, 2007.** Accordingly, Applicants submit that claims 4, 6, 12 and 19 are patentable over Wong and Marchosky for at least these additional reasons.

**C. Claims 73-75**

Claim 73 recites, *inter alia*,

wherein the result of examination is a composite diagnosis  
based on each diagnosis of the individual diagnoses.

The Examiner cites paragraphs [0061]-[0065] of Marchosky as allegedly teaching the claimed feature. However, Marchosky merely teaches that a patient answers diagnostic questions relating to symptoms experienced by the patient. *See* Marchosky at paragraph [0063]. Based on the patient's responses, the diagnostic program generates and displays a list of potential

diagnoses listed in the order of most likely to least likely. *See* Marchosky at paragraph [0065].

However, Marchosky fails to teach or even suggest that a composite diagnosis is generated based on each of the potential diagnoses, as claimed in claim 73. Accordingly, Applicants submit claim 73 is patentable over Wong and Marchosky for at least this reason.

Since claims 74 and 75 recited features similar to those discussed above in conjunction with claim 73, Applicants submit that such claims are patentable for at least similar reasons.

To the extent Marchosky can be construed to allow for diagnoses, it is not inherent or suggested that the individual diagnoses be stored. It is further not inherent or suggested that the composite diagnosis be stored. Therefore, claims 73-75 are patentable for at least this reason.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



David P. Emery  
Registration No. 55,154

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: October 16, 2008